

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

SHAYA EIDELMAN, on behalf of himself  
and all others similarly situated,

Plaintiff,

vs.

THE SUN PRODUCTS CORPORATION  
and COSTCO WHOLESALE  
CORPORATION,

Defendants.

Civil Action No. 7:16-cv-03914-NSR

**DEFENDANTS' NOTICE OF MOTION  
FOR SUMMARY JUDGMENT**

**ORAL ARGUMENT REQUESTED**

**PLEASE TAKE NOTICE** that, upon the Memorandum of Law in Support of Defendants' Motion for Summary Judgment, Defendants' Statement of Material Facts as to Which There is No Genuine Issue to be Tried, the Declaration of George Cassidy, dated November 21, 2019 and the exhibits thereto, the Declaration of Jillaine Dellis, dated November 21, 2019, the Declaration of Michael Monteleone, dated November 22, 2019 and the exhibit thereto, the Declaration of Prana A. Topper, dated November 22, 2019 and the exhibits thereto, and along with all prior pleadings and proceedings herein, Defendants The Sun Products Corporation and Costco Wholesale Corporation ("Defendants"), by their undersigned attorneys, will move this Court before the Honorable Nelson S. Román, at the United States Courthouse, 300 Quarropas Street, White Plains, New York 10601, at a date and time to be determined by the Court, for an Order, pursuant to Fed. R. Civ. P. 56, Local Civil Rule 56.1 and the Court's Individual Practices in Civil Cases, granting summary judgment in their favor, dismissing

Plaintiff's complaint in the entirety, and for any such further relief as the Court deems just and proper.

Dated: November 22, 2019  
New York, New York

Respectfully submitted,  
  
MANATT, PHELPS & PHILLIPS, LLP

By: /s/ Prana A. Topper

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